

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TYRON JACKSON and QUILEUTE  
NATION,

Defendants.

CASE NO. 22-mc-5013 BHS

ORDER

This matter comes before the Court on Tyron Jackson's Objection to the Writ of Continuing Garnishment and Renewal of Request for Appointed Counsel, Dkt. 9, and the Government's response to Jackson's objection and request for appointment of counsel, Dkt. 11.

The Court first addresses Jackson's renewed request for appointment of counsel. *See* Dkt. 9 at 2. As explained in the order denying Jackson's initial request, the Court will appoint counsel only under exceptional circumstances. Dkt. 8 at 2 (citing *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)). Jackson points to no change in circumstances that

1 warrant the appointment of counsel. Accordingly, his request for appointment of counsel  
2 is DENIED.

3 Jackson next asserts that the garnishment of his tribal per capita payments is  
4 improper because it will interfere with his ability to meet his obligation imposed by the  
5 judgment to pay \$25 per quarter to the Bureau of Prison's Inmate Financial  
6 Responsibility Program. Dkt. 9 at 1–2. However, the Court agrees with the Government  
7 that the obligation imposed by the judgment does not prevent the Government from  
8 obtaining a writ of garnishment. *See* Dkt. 11 at 5 (citing *United States v. Hawkins*, 392 F.  
9 Supp. 2d 757, 759 (W.D. Va. 2005); *United States v. Lawrence*, 538 F. Supp. 2d 1188,  
10 1193 (D.S.D. 2008)). Indeed, in *Hawkins*, the court explained that court-imposed  
11 payment schedules “do not prevent the government from pursuing other lawful  
12 enforcement methods” to obtain restitution. 392 F. Supp. 2d at 759 (citing *United States*  
13 *v. James*, 312 F. Supp. 2d 802, 807 (E.D. Va. 2004)).

14 Furthermore, Jackson's tribal per capita payments are not exempt from  
15 garnishment under the Mandatory Victim Restitution Act (“MVRA”). The MVRA  
16 broadly permits the United States to enforce a restitution order against “all property or  
17 rights to property of the person fined,” notwithstanding any other federal law. 18 U.S.C.  
18 § 3613(a). “Section 3613(a) of the MVRA limits the exemptions that apply to the  
19 collection of restitution debt to certain tax levy exemptions enumerated in the Internal  
20 Revenue Code.” *United States v. Drapeau*, 388 F. Supp. 3d 1289, 1293 (W.D. Wash.

1 2019). None of the enumerated tax levy exemptions apply to tribal per capita payments.<sup>1</sup>

2 Accordingly, Jackson's objection to the writ of continuing garnishment is **OVERRULED**.

3 Therefore, it is hereby **ORDERED** that Jackson's Objection to the Writ of  
4 Continuing Garnishment and Renewal of Request for Appointed Counsel, Dkt. 9, is  
5 **OVERRULED in part** and **DENIED in part**.

6 Dated this 15th day of November, 2022.

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9 BENJAMIN H. SETTLE  
United States District Judge

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19 <sup>1</sup> 18 U.S.C. § 3613(a), applicable to restitution under subsection 3613(f), allows a  
20 judgment imposing a fine to be enforced against all property or rights to property of the person  
21 fined, except those exempt pursuant to 26 U.S.C. § 6334(a)(1), (2), (3), (4), (5), (6), (7), (8), (10),  
22 and (12) of the Internal Revenue Code of 1986. Section 6334 exempts, in relevant part: (1)  
wearing apparel and school books; (2) fuel, provisions, furniture, and personal effects; (3) books  
and tools of a trade, business, or profession; (4) unemployment benefits; (5) undelivered mail;  
(6) certain annuity and pension payments; (7) workmen's compensation; (8) judgments for  
support of minor children; (10) certain service-connected disability payments; and (12)  
assistance under the Job Training Partnership Act. 26 U.S.C. §§ 6334(a)(1)–(8), (10), (12).